

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA, ON
BEHALF OF THE NATIONAL OCEANIC
AND ATMOSPHERIC
ADMINISTRATION AND THE UNITED
STATES DEPARTMENT OF THE
INTERIOR; THE STATE OF
WASHINGTON THROUGH THE
WASHINGTON DEPARTMENT OF
ECOLOGY; MUCKLESHOOT INDIAN
TRIBE; SUQUAMISH TRIBE,

Plaintiffs,

v.

VIGOR INDUSTRIAL LLC, and
EXXON MOBIL CORPORATION,

Defendants.

Case No. 21-44

NOTICE OF RELATED
CASES

The United States files this Notice, pursuant to Local Rule 3(g), to inform the Court of two related cases pending before Judge James L. Robart:

- (1) *United States of America, on behalf of the National Oceanic and Atmospheric Administration and the United States Department of the Interior; the State of Washington through the Washington Department of Ecology; the Muckleshoot Indian Tribe, and the Suquamish Tribe v. City of Seattle*, case no. cv-16-1486-JLR; and
- (2) *United States of America, on behalf of the National Oceanic and Atmospheric Administration and the United States Department of the Interior; the State of Washington through the Washington Department of Ecology; the Muckleshoot Indian Tribe, and the Suquamish Tribe v. Earle M. Jorgensen Company*, case no. cv-19-00907-JLR.

The related cases involve similar claims by the same Plaintiffs for natural resource damages in the Lower Duwamish River under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. § 9607; the Model Toxics Control Act (“MTCA”), RCW 70A.305; Section 311 of the Clean Water Act (“CWA”), 33 U.S.C. § 1321; and Section 1002(b)(2)(A) of the Oil Pollution Act of 1990 (“OPA”), 33 U.S.C. § 2702(b)(2)(A). While the three cases allege claims against different defendants, based on each defendant’s respective ownership and/or operation of different facilities along or near the Lower Duwamish River, all three cases include settlements that are based on the same estimate of total natural resource damages in the Lower Duwamish River and each defendant’s equitable share of those damages. Accordingly, there may be an unduly burdensome duplication of labor for the Court and the potential for conflicting results if the cases are conducted before different judges.

Dated: January 14, 2021

UNITED STATES OF AMERICA

/s Erika M. Wells
 ERIKA M. WELLS
 Senior Counsel
 Environmental Enforcement Section

NOTICE OF RELATED
 CASES

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U. S. DEPARTMENT OF JUSTICE
 Environment and Natural Resources Division
 7600 Sand Point Way NE
 Seattle, WA 98115

Environment & Natural Resources Division
U.S. Department of Justice, c/o NOAA
7600 Sand Point Way, NE
Seattle, Washington 98115
(206) 526-6608

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NOTICE OF RELATED
CASES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 14, 2021, a copy of the foregoing, NOTICE OF RELATED CASES, was served by the Court's CM/ECF system upon all persons registered to receive filings in this matter. In addition, I served a copy via electronic mail to the following counsel:

Counsel for Defendant Vigor Industrial, LLC

Charles Blumenfeld
Perkins Coie LLP
(206) 359-6364 cblumenfeld@perkinscoie.com

Counsel for Defendant Exxon Mobil Corp.

Kevin J. Vaughan
Senior Counsel, Environmental & Safety
Exxon Mobil Corporation
22777 Springwoods Village Pkwy., N1.4A.481 Spring, TX 77389
832-625-8251
kevin.j.vaughan@exxonmobil.com

s/ Erika M. Wells